



STATE OF DELAWARE
COMMISSION FOR STATEWIDE CONTRACTS TO SUPPORT EMPLOYMENT FOR
INDIVIDUALS WITH DISABILITIES
(STATE USE LAW COMMISSION)

STATE USE LAW COMMISSION MEETING
October 18, 2016 MEETING MINUTES

MEMBERS PRESENT: Debbie Harrington (Chair), Doyle Dobbins (Co-Chair), James "Ty" Case (Member, DVI), Valerie Watson (Member, Finance), Michele Mirabella (Member/Teleconference), Chuck Wagner (Member/Teleconference), Mary Page Bailey (DAG/Counsel), Elisha Jenkins (DVI/Ex-Officio), Thomas Cook (A.N.D/Ex-Officio)

GUESTS: Julie "Jo" Donoghue (DOJ), Paul Beane (A.N.D), Kristy Trudel (A.N.D), Lloyd Schmitz

Absentees: Dean Stotler (member)

A quorum was determined and the meeting was **called to order at 2::00 pm.**

I. APPROVAL OF MINUTES

Minutes for the 9/20/16, not voted on, because of the format and it was suggested to have the bullet comment follow the agenda format. Suggested format may be a combination of both. Confusion occurred of the minutes because a member had a different draft version. Mr. Wagner brought up that a couple of items were missing such as the response from Thomas Cook (A.N. D) to the question of DelARF and A.N.D. and the term of doing business as, and the letter from the public. Ms. Harrington (Chair) explained that since the letter was not discussed at this meeting it would not be attached to these minutes. Changes will be made to the minutes and voted on at the next meeting on November 15th

II. OLD BUSINESS

(a) By-Laws –The subcommittee completed the draft of the By-Laws document and presented them today to the full commission, but some members who were present by teleconference were not able to access the bylaws. Elisha Jenkins sent the bylaws to them through email and Mr. Wagner was not able to access them at this time. The question was brought up about receiving the item to be voted on 7 days in advance. Ms. Harrington stated that the subcommittee voted on it to have it presented to the commission today. The vote on the bylaws from the full commission was postponed until the next meeting, so that everyone had the opportunity to review them. The bylaws were done at the request of the Joint Sunset Committee that this Commission was to have Bylaws. Mary Page Bailey gave a brief over view of the bylaws changes by each Article and Section. Article I – Gives the name as it appears in the statue, Article II-Identifies the purpose (that was pulled from the statue as it has not changed), Article III- identifies the officers and Section I, identifies that the Chair is appointed by the Governor and the Vice- Chair is elected by the Commission. The Sections 2 & 3 outlines each officer with their individual responsibilities. Article IV- Is about the staff, it was outlined that the Director of DVI provides the administrative services for the Commission and subcommittees, recording



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minutes, creating minutes for all meetings, keeping attendance for assurance of a quorum. Article V- Membership stays exactly as is in the statute with no changes. Article VI – Meetings, outlines that the Commission will meet once a month, a majority of the quorum present, Section 3 – meetings will be electronically submitted at least 7 days prior to the date of a regular meeting, and 2 days prior to a special meeting. Section 7-Attendance is a key part, need to be in attendance and requires new members to complete an orientation session and all Commission members participate in training sessions. Section 8-Conflicts of Interest- this is something we discussed with the Joint Sunset Committee this language was proposed and not touch by the Sunset Committee so it was as written. Article VII-Order of Business, gives the format of Agenda for meetings. Article VIII-Subcommittees, states 2 Subcommittees, we merged together the Bylaws and Regulations subcommittee once this is adapted we will only have one once the bylaws has been completed then only meet for request of changes to any revisions, the second Subcommittee, Central Non-Profit Agency (CNA) - supports the selection of the CNA, and can submit to the Commission any complaints of the selected CNA that was selected. Article IX- Annual Report-transmit to Governor and General Assembly, this statute acts as a reminder to have this done. Article X- Amendments- process of submitting Amendments to the Bylaws, allows for any person whether a Commissioner or member of the member of the public.

Chuck Wagner requested a way for the members of the public to be informed of any meeting that is being cancelled. If a meeting is cancelled notification is posted on the public calendar. Also, mentioned needed was a contact person and we will update the contact information on the public calendar as well as place this information on the agenda.

(b) Annual Report-Valerie Watson sent out copies of the final Annual Report to members of the commission. Annual Report was sent to the Governor and the General Assembly. Much appreciation was given to Valerie Watson, Lori Beda Butanis and A.N.D. for all of their hard work in putting this report together. A question was asked to have the annual report made available to the public and Ms. Harrington stated that it would be posted on the DVI website after this meeting. Chuck Wagner asked the question if the public has any questions concerning the Annual Report, should they contact A.N.D. The answer was No, do not contact A.N.D. That it was a Commission Report therefore the Commission should be contacted for any questions

III. NEW BUSINESS

(a) Request for Temporary Employment Services Bill Rates – AND wants to look at this information and Ms. Harrington would actually request GSS -Dean Stotler to give information on this, since he is not here she will contact him to provide that information to the Commission. AND ask for GSS to reveal the pricing bids for the competitive temporary staffing services, information for the set aside 16 Classification, in order to figure out where the market is, so that when a waiver is issued it would be helpful to know the competitive rate which may influence their ability to fill that position. If the set aside vendor cannot fill the position then they go to Open market vending pricing, Mary Page Bailey requested to stop getting involved in the conversation because of her conflict of interest. Analogist information in order to find out if the contract they are holding is below the competitive



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rate. They want to be sure that if they are unable to fulfill a position that it is not because they are outside of the market to fulfill that position at that rate. This request will be presented to Dean Stotler.

IV. Legal Advisory/Training

(a) DBA- Doing Business As- Ask A.N.D. to once again to explain DBA. Mary Page Bailey answered the question, Why is the contract being held under DelARF versus AND. DelARF is a corporation under Delaware Corporate Law and they decided to rebrand and do business as Ability Network of Delaware (AND). To do that under Delaware Corporate Law you must register in each County in Superior Court a certificate for a fictitious name that DelARF will also be doing business as A.N.D. They are one and the same, just rebranded under a different name. It is just a legal name of a document to file this name with the courts, in order to do business as A.N.D. but able to retain their identity as the Delaware Association for Rehabilitation Facilities Incorporated. Thomas Cook requested clarification from the Chair and Deputy Attorney General about the process to request such information and making a demand for documentation in between meetings do they have an obligation to respond to request for documentation from an individual commissioner. The question should be submitted to the Chair for decision on discussion at the meeting, the key is here that when it comes to making a decisions or deciding what information is needed it must be done by the entire commission not individually. Present the request to the chair for consideration on the agenda.

(b) Training

Mary Page Bailey – This is public information that can be found on the web. Distribution of the Commission Books to the Commissioners for quick reference. Created by Mary Page Bailey you can put your notes from the meetings, etc. Section A – List of Commissioners and email address, Section B- Your Organic Statue, Section C- Bylaws, Section D is the first draft of the regulations will go back to the Bylaws and Regulations subcommittee once it becomes final you should put it the book. Section E –Integrity Law not supposed to act with conflicts. Individual commissioners have a responsibility to the State in how you act, remember what your role as a Commissioner is. Section F- Freedom of Information Act –there for two reasons- Ability to request documents, Definition of Public Record specific types of documents that are not considered public. - Subsection 10004- open meeting laws, posting your agenda within so much time, and posting your meeting minutes within a specific time, making sure to access the public calendar, and making sure that you are meeting a quorum. Section G-Administrative Procedure Act, will be more important to us once the Regulations are completely drafted, the APA will have guidelines on how to go about posting, having public comment what you do with public comment, how you do an order. Section H – Annual Report. Mary Page Bailey stated that this was her last gift to all the Commissioners as this is here last meeting and will be turning her position over to Julie (Jo) Donoghue.



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V. REPORT DIB

Elisha Jenkins – report on DIB federal contract is progressing quite well; we have inspected two shipments contract running over a year and we have passed, hopefully this will continue to be a good source of revenue for us, we are working on the third shipment which is about a month in advance of the schedule, the vendor has gone out of business and the new vendor had to be Federally approved. Four employees are being cross trained in additional areas just because DIB continues to experience financial challenges. We have a lunch and learn for the DIB employees to provide support to our VR Department to help them understand the Selective Placement process that the State offers. Connect with VR and help them understand their opportunities with the Selective Placement. Currently we have 19 employees with DIB. We want to be prepared in case the DIB situation does not improve. We are hopeful and we have intensive collection to make sure the money is coming in. At this time we do not have a sales person nor are we able to add any employees. We have cash flow issues and collecting more not many orders coming in this time. Some vendors are looking more economically. A turn in the market and what we have been able to offer shows some concern. It is also debatable that DIB is best suited for inside this structure. New leadership will be coming in the state we hope to solicit a request for proposal for someone who is interested in the operation. So your idea is that there might be a private community rehabilitation program that could assume the responsibility of DIB employees and the contracts. Are there any changes in your basic Rehabilitation Services? Under DIB? No, under DVI? I should be asking that question at another time.

VI. Report A.N.D

Paul Bean/Thomas Cook- as you know from our previous mention we are entering a request for competitive pricing, that with the last request for dollars associated with the Janitorial Services competitive pricing that the Commission granted we were able to successfully campaign with the assistance of GSS and OMB to obtain \$300,000 appropriation, that we crossed commission and allocated based on various CRP in Janitorial Services to get there increases or decrease to make it more align with the fair market value to maintain these contracts for persons with disabilities as in the annual report. With that being said our initial 3 ties analysis showed a net short fall of \$500,000 over the next 3 years. We engaged our CRP to review their existing contracts to see if they are sustainable over the next 3 years if they are below the fair market value we would want to make that adjustment. We are asking appropriation for \$500,000 for the upcoming Budget. We will link this in the report for the upcoming hearing for the OMB Budget Hearing on November 9th. We will meet with Dean and others in advance and provide public testimony at the hearing. This preliminary hearing is for all the state agencies including their own to help prepare the current Governor to prepare the initial budget for the incoming administration so that they would have the opportunity to revise for the General Assembly.

Happy to report that there DART ride check has been reenergized, DART has approach A.N.D. to provide these ride check services on a much smaller scale. They have everything in place to meet proposed requirements of DART. This is an opportunity to employ 5 people with disabilities with



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brief but meaningful employment. We are staying engaged so that we have everything we need to be successful.

One of our biggest customers is Facilities Management. We regularly engage them, one of the things we are looking into is creating a Janitorial Training Certification, in order to have a career lattices that may exist so that maybe move from Janitorial Services to Facilities type work, such as fix a hole in the wall or replace a wire hanging. Looking at an opportunity to develop our own Certification Training program. A.N.D is a member of National State Use Program Association and as such attended training in New Jersey, it gave us an opportunity to learn moving forward ideas. It helps for Vocational Rehabilitation to offer the certification for the employees to obtain competitive integrated employment. We continue to engage GSS and Facilities Management to make some changes in our Janitorial Contracts to make it more clear to everybody's expectation. Lots of opportunity with the changes of 511 and the passing WIOA to engage CPR's and other members to move from a facilities base model to a community based model. Ms. Harrington stated that this is in line with our ultimate goal.

DISCUSSIONS/Observation- Before moving to public comment Ms. Harrington opened the floor for any further discussion or observations.

How to address the background noise that is very disruptive to the meeting in general? How to have micro meeting etiquette? Ms. Harrington's stated it may be made as the initial comment before the meeting, also we could put it on the Agenda and website to Please Mute Phone.

VII. PUBLIC COMMENTS

Since DVI will Host the SULC, maybe they can have a separate page on DVI for SULC and put the SULC Annual Reports under DVI's section of Reports. This may not be as immediate as possible. Mr. Schmitz would like the Annual Report emailed to him.

The vendor that went out of business was for material for the scarfs, we have enough supplies for a couple of more shipments, so this should not cause DIB to have a delay on their contract.

What was the waiver spoken about for DIB? The one we had recently had to do with School t-shirts and they could find it significantly lower somewhere else. Elisha Jenkins said it did not affect any set aside.

VIII. ADJOURNMENT

The meeting was **adjourned at 3:55 pm** by Ms. Harrington.

Respectfully submitted,
Michele Hamilton
Administrative Specialist



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VIII. Adjournment

Meeting adjourned at 3:55 PM by Ms. Harrington.

Respectfully submitted by:
Michele Hamilton

[Faint, illegible signature]